

EXHIBIT C

1 HONORABLE JAMES L. ROBART
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 MICROSOFT CORPORATION,

10 Plaintiff,

11 v.

12 MOTOROLA, INC., et al.,

13 Defendants.

14 MOTOROLA MOBILITY, INC., et al.,

15 Plaintiffs,

16 v.

17 MICROSOFT CORPORATION,

18 Defendant.

19 No. C10-1823-JLR

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26 **MICROSOFT CORPORATION'S
27 FIRST AMENDED ASSERTED
28 CLAIMS AND PRELIMINARY
29 INFRINGEMENT CONTENTIONS**

MICROSOFT CORPORATION'S FIRST
AMENDED ASSERTED CLAIMS AND
PRELIMINARY INFRINGEMENT
CONTENTIONS

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1 Microsoft Corporation (“Microsoft”) provides to Motorola Mobility, Inc. (“Motorola
2 Mobility”), Motorola Inc., (n/k/a “Motorola Solutions”) and General Instrument Corporation
3 (“General Instrument”) (collectively, “Motorola”) the following First Amended Asserted
4 Claims and Preliminary Infringement Contentions in compliance with the Court’s Standing
5 Order for Patent Cases, the Minute Order Setting Trial Dates and Related Dates dated August
6 5, 2011, and Order Granting Microsoft’s (Unopposed) Motion for Leave to Amend Preliminary
7 Infringement Contentions dated November 1, 2011. Microsoft reserves the right to amend this
8 disclosure to conform to the results of ongoing discovery.

9 **(1) The identity of each claim alleged to be infringed**

10 U.S. Patent No. 6,339,780 (“the ‘780 Patent”): Claims 1-6, 9-14, 17, 18, 20, 21, and 32-
11 42.

12 U.S. Patent No. 7,411,582 (“the ‘582 Patent”): Claims 1-4, 6, 8-11, 13-23, 25-31.

13 These claims will be hereinafter referred to as the “Microsoft Asserted Claims.”
14 Microsoft’s investigation as to Motorola’s infringement is ongoing. Accordingly, Microsoft
15 reserves the right to assert more or fewer claims based on further information that may become
16 available during ongoing discovery.

17 **(2) The identity of Motorola’s accused devices by specific name and model
18 number for each asserted claim**

19 Motorola Mobility is currently accused of infringing some or all of the Microsoft
20 Asserted Claims by making, using, selling, offering to sell, and/or importing the following
21 products, hereinafter referred to as the Accused Motorola Devices:
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	The '780 Patent	The '582 Patent
1		
2	Atrix ME860, MB861	Atrix ME860, MB861
3	Bravo MB520	Bravo MB520
4	Charm MB502, ME502	
5		Citrus WX445
6		Cliq XT MB501
7		
8	Cliq 2 MB611	Cliq 2 MB611
9	Defy MB525	Defy MB525
10	Devour A555	
11	Droid A855	Droid A855
12	Droid 2 A955	Droid 2 A955
13	Droid 2 Global A956	Droid 2 Global A956
14		
15	Droid 3 XT862	Droid 3 XT862
16	Droid Bionic XT875	Droid Bionic XT875
17	Droid Pro XT610	Droid Pro XT610
18	Droid X MB810	Droid X MB810
19	Droid X2 MB870	Droid X2 MB870
20	Flipout MB511	Flipout MB511
21	Flipside MB508	Flipside MB508
22		i1
23		
24	Photon 4G MB855	Photon 4G MB855
25		

The '780 Patent	The '582 Patent
Spice XT300	
Titanium	Titanium
Triumph WX435	Triumph WX435
XPRT MB612	
Xoom MZ600, MZ601, MZ603, MZ604, MZ605, MZ606 (except as to Claims 6, 33, and 39).	

Microsoft's investigation as to Motorola's infringement is ongoing. Accordingly, Microsoft reserves the right to amend the list of Accused Motorola Devices based on further information that may become available during ongoing discovery.

(3) A chart that identifies specifically where each element of each asserted claim is found within each accused device/method/etc.

Microsoft accuses Motorola Mobility of having infringed, induced the infringement of and/or contributorily infringed, and continuing to infringe, induce infringement of and/or contributorily infringe the Microsoft Asserted Claims pursuant to 35 U.S.C. § 271 (a), (b) and/or (c), literally or under the doctrine of equivalents, in the United States, by making, using, selling, offering to sell and/or importing the Accused Motorola Devices. Infringement charts for the '780 patent, containing evidence of direct and indirect infringement, are attached as Exhibit A to Microsoft's original Preliminary Infringement Contentions (served Sep. 2, 2011). Infringement charts for the '582 patent, containing evidence of direct and indirect

1 infringement, are attached as Exhibit B to Microsoft's original Preliminary Infringement
2 Contentions (served Sep. 2, 2011).¹

3 **(4) Whether each asserted claim is literally or equivalently infringed**

4 Microsoft reserves the right to assert infringement under the doctrine of equivalents for
5 any limitation of the '780 or '582 patents that Motorola contends is not literally present in its
6 Accused Devices. Microsoft further reserves the right to assert infringement under the doctrine
7 of equivalents based on a claim construction ruling on any disputed claim terms and/or based
8 on further information that may become available during ongoing discovery.

9 **(5) The priority date to which each asserted claim allegedly is entitled**

10 The '780 Patent: The priority date for each claim of the '780 patent asserted in Section
11 (2) above is the earliest effective filing date on the face of the patent: May 6, 1997.

12 The '582 Patent: The priority date for each claim of the '582 patent asserted in Section
13 (2) above is the priority date of U.S. Patent Application Ser. No 08/991,277, to which the
14 patent claims priority ('582 patent, 1:6-8): December 16, 1997.

15 Microsoft's investigation as to conception of the inventions disclosed in both the '582
16 and '780 patents is ongoing. Accordingly, Microsoft reserves the right to amend this priority
17 date based on further information that may become available during ongoing discovery.

18 DATED this 1st day of November, 2011.

19 DANIELSON HARRIGAN LEYH & TOLLEFSON LLP

20 By /s/ Christopher Wion

21 Arthur W. Harrigan, Jr., WSBA #1751
Christopher Wion, WSBA #33207
Shane P. Cramer, WSBA #35099

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24 ¹ Exhibit A and Exhibit B are not amended. Instead, certain appendices to Exhibits A and B are amended to
25 included the Droid Bionic. These include Appendices 1-1, 1-4, 1-5, 1-6, 1-9, 1-10, 2-1, 2-2, 6 and 10-3 to Exhibit
A, and Appendices D1 and F to Exhibit B. Furthermore, Appendix C19 is newly added appendix to Exhibit B.

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MICROSOFT CORPORATION'S FIRST
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CERTIFICATE OF SERVICE

I hereby certify that on November 1, 2011, I served a true and correct copy of Defendant and Cross-Plaintiff Microsoft Corporation's Asserted Claims and Preliminary Infringement Contentions via electronic mail on the counsel of record below.

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